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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,326	02/18/1999	MARK G. PRESTOY	98-906	4365

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/252,326

Applicant(s)

PRESTOY, MARK G.

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6, 11, 12 and 17, are rejected under 35 U.S.C. 102(e) as being anticipated by **Dewkett et al (5,646,676)**.

As to claims 1 and 11, note the **Dewkett et al** reference figures 1 and 2, disclose scalable interactive multimedia server system for providing on demand data, comprising the following:

the claimed “a massively parallel video server that includes a plurality of processors...” is met by Massive Multimedia (MM) Distribution System which includes a Host Server or Computer System (Host-SS) (figs. 1, 2 and col. 1, lines 2-13 and col. 8, line 60-col.col. 9, line 23), note that MM System includes a plurality of Processors (CPUs) 101 all connected by a host system bus 103 and I/O buses 105 and having concurrent access to Disks Drives 107 “same set of storage devices” connected by buses via a plurality of Multimedia (MM) Adapters 106, for concurrently streaming a massive plurality of video streams to plurality of Set-Top-Boxes (STBs) 109 1-N “plurality of client devices,” that are configured to receive at least some of the plurality of

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video streams (col. 9, lines 11-63 and col. 10, lines 35-64), and further enables a very large number of STBs to independently interact with the MM System;

the claimed "a high capacity transport system..." is met by Network 108 (col. 8, line 64-col. 9, line 10), which includes paths to a plurality of STBs 109 1-N, for transporting movies "video streams" from the massively parallel video server to the plurality of STBs 109 1-N.

As to claim 4, Dewkett further discloses where one of the Host CPUs uses a controlled software to control the operation of the MM System by monitoring MM System, the high capacity transport system 108, and the various STBs 109 1-N (col. 9, lines 11-22 and line 63-col. 10, line 2).

As to claim 6, the claimed "plurality of nodes..." are met by Multimedia Adapters 106 (col. 8, line 66-col. 9, line 10), which comprises operating system software "a video server program" (col. 9, lines 11-26) that controls MM Controllers (MMC) 302 to stream one or more movies from one or more titles stored on a plurality of disks drives 107; the claimed "an interface module for formatting the video streams into cells..." is met by MMC processor (figs 3, 4 and col. 9, line 41-col. 10, line 2, lines 45-col. 11, line 5), note that MMC processor receives STB requests in the form of command control blocks and can control plurality of MMCs to retrieve the movie in the form of data blocks "cells" which can be transmitted serially to the requested STB; the claimed "disk controller for retrieving the video titles..." is met by MM Controller (col. 9, lines 46-62), which retrieves the movies "video titles" from the set of disks drives 107 "storage devices" and at least host MMC processor "one of the plurality of processors" running the software program

(col. 11, line 63-67).

As to claim 12, Dewkett further discloses where one or more of the plurality of client devices includes a personal computer (col. 7, lines 43-52).

As to claim 17, the claimed method is composed of the same structural elements that were discussed in rejected claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** as applied to claims 1, 17 and 23 above, and in view of **Ehreth (6,286,142)**.

As to claim 2, 18 and 26, Dewkett fails to explicitly teach a set of display devices Connected to the plurality of client devices respectively for displaying the video streams.

However, **Ehreth** discloses a method for communicating video signals to a plurality of television sets 100 (fig. 1 and col. 2, line 59-col. 3, lines 15).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ehreth into the system of Dewkett to provide the user with multiple display devices to enable the user view other programs simultaneously as desired.

5. Claims 3, 5, 10, 13, 15, 16, 19, 23 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** as applied to claims 1 and 17 above, and in view of **Banks (6,139,197)**.

As to claims 3 and 13, Dewkett teaches all the claimed limitation as previously discussed with respect to claim 1, but fails to explicitly teach an encoder for encoding video and for storing the encoded video on the MM System.

However, note the **Banks** reference figure 1A, discloses a Video Server 102 with a video encoder 106 that streams real-time video on the fly to Client 110 (fig. 1 and col. 3, lines 41-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Banks into the system of Dewkett to provide an encoder to encode the video to appropriate compression rate, to meet bandwidth requirements.

As to claims 5, 15 and 16, Dewkett fails to explicitly teach a web server which interface Internet network, for storing data, and sending data in HTML format to clients.

However, Banks further discloses where Video Server 102, can be implement as a web server, which interfaces Internet network and provide services to Client 110 (col. 3, line 51-col. 4, line 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Banks into the system of Dewkett to provide a web server to enable clients to access web pages and other Internet services.

As to claim 10, Dewkett further discloses a plurality of STBs 109 1-N each with a processor for executing the interactive display "a browser program" to interacting with MM System to receive the requested movie and for controlling the movie with VCR-like function (col. 10, lines 35-58 and col. 14, lines 16-26), but fails to explicitly teach retrieving data from a web server, which has been previously discussed with respect to claim 5.

Claim 19 is met as previously discussed with respect to claim 3.

Claim 23 is met as previously discussed with respect to claim 5.

Claim 24 is met as previously discussed with respect to claim 13.

6. Claims 7-9, 21 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** as applied to claims 1 and 17 above, and in view of **Hluchyj (6,151,325)**.

As to claims 7-9, Dewkett fails to explicitly teach high capacity transport system comprising one or more asynchronous transfer mode (ATM) switching systems, which pre-established connections associated with the plurality of client devices, respectively and further pre-established bi-directional connections associated with the plurality of client devices, respectively.

However, **Hluchyj** discloses a high-capacity multistage switching system that includes ATM switch that dynamically establishes a connection using as part of the connection a permanent virtual connection, i.e., a pre-established connection path to transfer respective user data over the appropriate pre-established connection path through the ATM switch (col. 7, lines 20-55 and col. 13, line 57-col. 14, line 10).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hluchyj into the system of Dewkett to provide an ATM switching system that pre-establishes connection path or bi-directional connection path for transfer of data, between a server and a client, securely on a private virtual connection or pre-established connection, and furthermore transmit data faster on a wide area network and assure quality of service (QoS).

Claims 21 and 22, are met as previously discussed with respect to claims 7-9.

7. Claims 14 and 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** in view of **Banks (6,139,197)** as applied to claims 3 and 19 above, and further in view of **Cannon et al (6,014,706)**.

As to claim 14, Dewkett as modified by Banks fail to explicitly teach off-line encoder for encoding off-line video.

However, Cannon et al discloses a Video Camera 106 and an encoder 110 that performs encodes video off-line or live and transfers to a Video Server 102 for transmission to Client 104 (fig. 1 and col. 7, lines 10-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Cannon into the system of Dewkett as modified by Banks to provide a video camera for encoding live video and transferring to a video server, thereby enabling the video server to live video to users.

Claim 25 is met as previously discussed with respect to claim 14



***Response to Arguments***

8. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection discussed above. This Office Action is Non-Final.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Romine (6,442,604) discloses incremental archiving and restoring of data in a multimedia server.

Hubis (6,321,298) discloses full cache coherency across multiple raid controllers.

Suzuki (5,956,488) discloses multimedia server with efficient multimedia data access scheme.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**.



**Annan Q. Shang.**



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